

HOUSE BILL 2404

By Bass

AN ACT to amend Chapter 711 of the Private Acts of 1949; as amended by Chapter 629 of the Private Acts of 1951; Chapter 587 of the Private Acts of 1953; Chapter 47 of the Private Acts of 1957; Chapter 243 of the Private Acts of 1959; Chapter 242 of the Private Acts of 1959; Chapter 266 of the Private Acts of 1961; Chapter 171 of the Private Acts of 1961; Chapter 223 of the Private Acts of 1965; Chapter 235 of the Private Acts of 1967; Chapter 311 of the Private Acts of 1968; Chapter 35 of the Private Acts of 1969; Chapter 177 of the Private Acts of 1971; Chapter 354 of the Private Acts of 1972; Chapter 230 of the Private Acts of 1974; Chapter 84 of the Private Acts of 1975; Chapter 253 of the Private Acts of 1976; Chapter 132 of the Private Acts of 1977; Chapter 220 of the Private Acts of 1978; Chapter 26 of the Private Acts of 1979; Chapter 25 of the Private Acts of 1979; Chapter 329 of the Private Acts of 1980; Chapter 108 of the Private Acts of 1981; Chapter 160 of the Private Acts of 1988; Chapter 175 of the Private Acts of 1990; Chapter 18 of the Private Acts of 1991; Chapter 92 of the Private Acts of 1991; Chapter 132 of the Private Acts of 1991; Chapter 188 of the Private Acts of 1992; Chapter 218 of the Private Acts of 1992; Chapter 57 of the Private Acts of 1993; Chapter 133 of the Private Acts of 1998; Chapter 123 of the Private Acts of 1998; Chapter 124 of the Private Acts of 1998; Chapter 112 of the Private Acts of 2000; Chapter 50 of the Private Acts of 2001 and Chapter 89 of the Private Acts of 2004; and any other acts amendatory thereto, relative to the City of Pulaski.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 711 of the Private Acts of 1949; as amended by Chapter 629 of the Private Acts of 1951; Chapter 587 of the Private Acts of 1953; Chapter 47 of the Private Acts of 1957; Chapter 243 of the Private Acts of 1959; Chapter 242 of the Private Acts of 1959; Chapter 266 of the Private Acts of 1961; Chapter 171 of the Private Acts of 1961; Chapter 223 of the Private Acts of 1965; Chapter 235 of the Private Acts of 1967; Chapter 311 of the Private Acts of 1968; Chapter 35 of the Private Acts of 1969; Chapter 177 of the Private Acts of 1971;

Chapter 354 of the Private Acts of 1972; Chapter 230 of the Private Acts of 1974; Chapter 84 of the Private Acts of 1975; Chapter 253 of the Private Acts of 1976; Chapter 132 of the Private Acts of 1977; Chapter 220 of the Private Acts of 1978; Chapter 26 of the Private Acts of 1979; Chapter 25 of the Private Acts of 1979; Chapter 329 of the Private Acts of 1980; Chapter 108 of the Private Acts of 1981; Chapter 160 of the Private Acts of 1988; Chapter 175 of the Private Acts of 1990; Chapter 18 of the Private Acts of 1991; Chapter 92 of the Private Acts of 1991; Chapter 132 of the Private Acts of 1991; Chapter 188 of the Private Acts of 1992; Chapter 218 of the Private Acts of 1992; Chapter 57 of the Private Acts of 1993; Chapter 133 of the Private Acts of 1998; Chapter 123 of the Private Acts of 1998; Chapter 124 of the Private Acts of 1998; Chapter 112 of the Private Acts of 2000; Chapter 50 of the Private Acts of 2001 and Chapter 89 of the Private Acts of 2004; and any other acts amendatory thereto, being the charter of the City of Pulaski, is amended by deleting such charter in its entirety, except for Article I, Section 3, as amended, in which the stated boundaries of the City are established and by substituting instead the following language to be the charter of the City of Pulaski.

ARTICLE I CORPORATE NAME AND BOUNDARIES

SECTION 1. This Act shall be known, designated and may be cited as the "Pulaski Charter of 2007".

SECTION 2. The municipal corporation of Pulaski shall be and continue to be a municipal corporation under the name "City of Pulaski," and shall be vested with any and all powers that municipal corporations are, or may hereafter be, required or permitted to exercise or provide for in their charters under the constitution and general laws of the state, as fully and completely as though the powers were specifically enumerated herein, except for such limitations and restrictions as are provided in this charter. No enumeration of particular powers of the City in this charter shall be held to be exclusive. The City may have and use a common seal and change it at the City's pleasure.

SECTION 3. The boundaries of the City shall be as described by Chapter 711 of the Private Acts of 1949, all acts amendatory thereof, and annexations made under general law.

SECTION 4. The Board of Mayor and Aldermen may divide the City into six (6) wards and define the wards' boundaries by ordinance, and may from time to time alter the same; however, no change in ward lines shall operate to deprive any alderman of office prior to the expiration of such alderman's term of office.

SECTION 5. All annexations by the City shall be in accordance with state law.

ARTICLE II POWERS

SECTION 1. The City of Pulaski shall have all powers that the constitution, statutes and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of these powers. The City shall have perpetual succession; may sue and be sued; plead and be impleaded in all courts of law and equity, in all actions whatsoever; may purchase, receive and hold property, real and personal, within and without the City, for the benefit of the City, and may sell, lease and dispose of the same for the benefit of the City to the same extent as natural persons.

SECTION 2. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power was not mentioned. The charter shall be liberally construed, to the end that the City may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers that municipalities may assume pursuant to the laws of this State now in force or those that may hereinafter be enacted.

SECTION 3. The City shall have the power by ordinance to:

(1) Assess, levy, and collect taxes upon all property and privileges within the City's limits which are, or shall be, taxable by the laws of the State, and to assess, levy and collect taxes on any and all subjects or objects of taxation,

either for general or special purposes, not expressly forbidden by general laws of the State;

(2) Adopt such classifications with reference to all subjects or objects of taxation, not otherwise expressly prohibited by general law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof;

(6) Issue and give, sell, pledge, or in any manner dispose of negotiable or non-negotiable interest bearing or non-interest bearing bonds in accordance with Tennessee Code Annotated, Title 9, Chapter 21, warrants, promissory notes or orders of the City, upon the credit of the City, or solely upon the credit of specific property owned by the City, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City, or solely upon the credit of the proceeds of special assessments of local improvements, or upon any two (2) or more, or a combination of any two (2) or more, of such credits;

(7) Expend the revenues, monies and property of the City for all lawful purposes;

(8) Purchase, acquire, receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property real or personal, or any estate or interest therein, either within or without the City or State;

(9) Condemn property or any easement, interest, estate or use therein, either within or without the City for present or future public use, the condemnation shall be effected in accordance with the terms and provisions of state law;

(10) Receive and hold property in trust, real or personal, either within or without the City or State, and to administer such trusts for public use and benefit;

(11) Acquire, own, erect, build, construct, maintain and operate, or sell, lease, mortgage, pledge or otherwise dispose of, any public utility, or any estate

or interest therein, or property, real or personal, used in connection therewith, or any utility of service to the City, its inhabitants, or any part thereof;

(12) Grant to any person, firm, association, or corporation (including the City) franchises for public utilities and public services to be furnished the City and its inhabitants. The power to grant franchises shall include the power to grant exclusive franchises in accordance with state and federal law. Whenever an exclusive franchise is granted, it shall be deemed and treated as exclusive against any other person, firm, association, or corporation. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The City is fully empowered to prescribe and regulate in each grant of a franchise, rates, fares, charges and other regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply only to the territory within the corporate limits at the date of the franchise, or to the territory as said limits may thereafter be enlarged; and to the then existing streets, alleys and other thoroughfares, or to any other streets, alleys and other thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, corporation or association for public utilities and public services to be furnished the City and its inhabitants. The power to make contracts shall include the power to make exclusive contracts. When an exclusive contract is entered into the contract shall be deemed as exclusive against any other person, firm, corporation or association. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer, and the City is fully empowered to prescribe in each such contract entered into, the rates, fares, charges and regulations that may be made by the person, firm, corporation or association with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the City at the date of the contract, and as said corporate limits thereof may be enlarged; and to the then existing streets, alleys and thoroughfares, and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel, from time to time, reasonable extensions of facilities for such services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted, or of any exclusive contract entered as provided for in subdivisions (12) and (13);

(15) Establish, open, locate, relocate, vacate, alter, abandon, close, sell, widen, extend, grade, improve, repair, construct, maintain, light, sprinkle and clean public highways, streets, alleys, boulevards, parks, squares, bridges, culverts, sewers, drains and public grounds and properties within and to regulate the use thereof within the corporate limits;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public properties within the corporate limits, and assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, avenues, alleys or other public properties, as provided by general law;

(17) Purchase, acquire, hold, construct, maintain and regulate market places, public properties and buildings, bridges, culverts, sewers and other structures, works and public improvements;

(18) Collect and dispose of drainage, sewage, ashes, garbage and refuse or other waste in any manner not in conflict with general laws, or license, regulate, and charge reasonable fees for such collection and disposal;

(19) License and regulate all persons, firms, corporations or associations engaged in any business, profession, vocation, occupation, or trade not prohibited by law, and to impose a license tax upon any property, thing, business, profession, vocation, occupation or trade not prohibited by law;

(20) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, professions, vocations or trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the City, to demand and receive fees and costs of permits and inspections incident to effectual regulation;

(21) Prescribe locations, zones and limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, comfort or general welfare of the inhabitants of the City may lawfully be established, conducted or maintained;

(22) Regulate the location, bulk, occupancy, area, lot, height, construction and materials of all buildings and structures in accordance with state law, and inspect all buildings, lands, and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alterations or changes necessary to make them healthful, clean or safe;

(23) Provide and maintain charitable, educational, curative, recreative, corrective departments, facilities, conveniences and services, or to contract with any outside agency to provide and maintain, or to render the functions and services contemplated herein;

(24) Enforce all ordinances, rules or regulations by means of fines, forfeitures and penalties, or by action or proceedings in any court of competent jurisdiction or by any one (1) or more of such means, but no fine, forfeiture or penalty shall exceed the State constitutional limit;

(25) Regulate, tax, license or suppress the keeping or running-at-large of animals within the City, impound such animals, and in default of redemption, sell or otherwise dispose of such animals;

(26) Call and provide for all City elections, including all elections respecting bond issues;

(27) To make reasonable regulations to prevent the spread of contagious diseases within the City in accordance with state law regarding isolation or quarantine of diseases, and to make and enforce regulations to promote sanitation, health and general welfare of the inhabitants of the City;

(28) Provide for an adequate system of assessment of property;

(29) Provide for an electric power system;

(30) Create such offices and provide for the appointment, compensation, and election of all officers as may be necessary for the good government of the City;

(31) Pass all ordinances necessary for the health, convenience, safety and general welfare of the inhabitants of the City, and to carry out the full intent, corporate purposes and meaning of this charter as fully as if specifically authorized;

(32) Stimulate and encourage the location of new industrial enterprises for the City, and to that end to borrow money upon the faith and credit of the City;

(33) Make purchases as authorized by the Municipal Purchasing Law of 1983, codified in Tennessee Code Annotated title 6, chapter 56, part 3; and

(34) Authorize the purchasing officer to make temporary rate adjustments for natural gas service where the market changes in a short period of time with a report of the change to be provided to the Board of Mayor and Aldermen at the Board's next regular scheduled meeting.

ARTICLE III FORM OF GOVERNMENT

SECTION 1. The corporate authority of the City shall be vested in a mayor, who shall be the chief executive officer, a board of mayor and aldermen, which shall be the legislative body, a judge of the city court, and in such boards, committees or commissions or city administrator as the Board of Mayor and Aldermen shall from time to time ordain and establish. The form of government shall be a board of mayor and

aldermen with the option to use a city administrator. The board shall be the legislative body and the mayor shall be the chief executive officer of the City.

ARTICLE IV MAYOR

SECTION 1. At the time of a mayoral election, the person elected mayor shall be an elector of the City, be at least twenty-one (21) years of age, and shall have been a resident of Giles County at least one (1) year and of the City at least six (6) months immediately preceding the time of taking office.

SECTION 2. The Mayor shall be elected for a four-year term of office, except as provided in Article XI, Section 1. The Mayor shall serve until the Mayor's successor is elected and qualified.

SECTION 3. When the Mayor is absent or inaccessible, or is unable for any cause to perform mayoral duties, the Vice-Mayor shall be Acting Mayor. An acting mayor shall not cease to be a member of the Board of Mayor and Aldermen and shall not lose the right to vote as a member of the Board. In the event the Vice-Mayor becomes Acting Mayor, the age requirement contained in Section 1 of this article shall not apply. If the Mayor dies, resigns, is removed, ceases to reside within the City, or leaves office for any other cause then the Vice-Mayor shall become Mayor. The Vice-Mayor shall serve as Mayor until the next regular municipal election and the Vice-Mayor's office as alderman shall become vacant.

SECTION 4. No person who has been convicted of malfeasance in public office, or of any violation of the election laws of the State, or of a crime or corrupt practice shall be eligible to the office of mayor. If any mayor shall be so convicted, such mayor shall forfeit his office.

SECTION 5. The salary and benefits of the Mayor, while performing the duties of Mayor, shall be established by ordinance and shall not be reduced during such Mayor's term of office. The Mayor may be additionally compensated by ordinance when performing the duties of the City Administrator as provided in Section 7(b). If the Mayor

is not performing the additional duties of City Administrator, then such additional compensation may be withheld. The Mayor may receive additional compensation for serving on boards and commissions as provided by state law and shall be eligible to receive any pension benefit as provided by ordinance.

SECTION 6. The Mayor shall, before entering upon the duties of the office, take and subscribe to the following oath: "I do solemnly swear that I will support the Constitution of the State of Tennessee and of the United States, the Charter of the City of Pulaski and its ordinances and that I will faithfully, zealously and impartially discharge the duties of mayor, without fear or favor and for the public welfare. So help me God."

SECTION 7.

(a) The Mayor:

(1) Shall be the chief executive officer of the City and shall preside at meetings of the Board of Mayor and Alderman;

(2) Shall communicate any information needed, and recommend measures the Mayor deems expedient to the Board;

(3)

(A) Shall make temporary appointments of any officer or department head appointed by the Mayor or the Board, except that of Alderman, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the Board at the Board's next regular meeting;

(B) The Board may confirm or reject the Mayor's temporary appointments, or, at the Board's discretion, make the Board's own temporary appointments. The Board shall make appointments to fill vacancies on the Board;

(4) May call special meetings of the Board. If the Mayor calls a special meeting, then the Mayor shall provide adequate notice to the Board and adequate public notice stating the matters to be considered at

the special meeting. The action of the Board shall be limited to those matters submitted in the notice;

(5) May countersign checks and drafts drawn upon the treasury by the Treasurer and shall sign all contracts to which the City is a party;

(6) As a member of the Board, shall have a vote on all matters coming before the Board; and

(7) Shall make appointments to boards and commissions as authorized by law.

(b) Unless a city administrator is designated by the Board by ordinance, the Mayor shall perform the following additional duties:

(1) Those duties set forth in Article VI, Section 1 of this charter, if the Board does not appoint a city administrator;

(2) Recommend employment, promote, discipline, suspend and discharge all employees and department heads, except the City Recorder, in accordance with personnel policies and procedures, if any, adopted by the Board. Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;

(3) Act as purchasing agent for the City in the purchase of all materials, supplies and equipment for the proper conduct of the City's business; provided, that all purchases shall be made in accordance with any policies, practices and procedures established by the Board and the Municipal Purchasing Law of 1983 codified in Tennessee Code Annotated title 6, chapter 56, part 3;

(4) Prepare and submit the annual budget and capital program to the Board for the Board's adoption by ordinance; and

(5) Such other duties as may be designated or required by the Board.

ARTICLE V BOARD OF MAYOR AND ALDERMEN

SECTION 1. The legislative power of the City of Pulaski shall be exclusively vested in a legislative body which shall be known and designated as the "Board of Mayor and Aldermen." The Board may, by ordinance or resolution not inconsistent with the provisions of this charter, prescribe the manner in which all powers of the City shall be exercised, provide the necessary administrative means, and do all things and perform all acts within or without the City or State to effectually exercise the powers herein granted, to protect the rights and interests of the City.

SECTION 2. The Board of Mayor and Aldermen shall consist of the Mayor and six (6) Aldermen, each of whom shall be elected by the qualified voters of the City.

SECTION 3. The term of office for aldermen shall be for a four-year period, except as provided in Article XI, Section 1 of this charter. Aldermen shall serve until their successors have been elected and certified.

SECTION 4. An alderman shall be at least twenty-one (21) years of age when assuming office and shall have been a resident of Giles County for at least one (1) year and of the City of Pulaski for at least six (6) months immediately preceding the election.

SECTION 5. If a vacancy occurs on the Board because an Alderman has died, resigned, been removed, ceased to reside within the City, or leaves office for any other reason such vacancy shall be filled until the next regular election through election by the remaining members of the Board; provided, however, no vacancy shall be filled by the Board of Mayor and Aldermen under this article when the Board already has on its membership two (2) members elected in such manner. If a vacancy should occur under such circumstances, then the Board shall request by resolution that the election commissioners for Giles County call a special election for the purpose of filling such additional vacancy unless the Alderman elected at such time would have less than six (6) months to serve on the unexpired term. If the Alderman elected at such time would have less than six (6) months to serve on the unexpired term, then the seat shall be filled through election by the remaining members of the Board.

SECTION 6. The Board of Mayor and Aldermen shall fix the date, time and place at which regular meetings of the Board shall be held by ordinance. In no event shall the Board fail to meet at least once in each calendar month.

SECTION 7.

(a) Special or called meetings of the Board of Mayor and Aldermen may be held at such times, and on such dates, as the Mayor may deem necessary.

The Mayor is authorized at the Mayor's discretion to call special meetings of the Board. The Vice-Mayor, when authorized to act in the place and stead of the Mayor, is likewise given the authority at the Vice-Mayor's discretion to call special meetings of the Board. If, at any time, in the opinion of any four (4) aldermen, the welfare of the City demands that a special meeting be called and the Mayor is absent, unable to call a meeting, or refuses to call a meeting, then the City Recorder shall, upon the written request of such aldermen, call a special meeting. The actions of the Board shall be limited to those matters submitted in the notice.

(b) In the event of the calling of a special meeting, written notice shall be given to each Alderman, the City Recorder, the City Attorney, and, if the meeting is not called by the Mayor, the Mayor. The notices shall be served by a police officer of the City and the fact of such service shall be noted on the call over the signature of the officer. The call shall specify the purpose of the special meeting, and, together with the officer's return, shall be spread upon the minutes of the meeting.

SECTION 8. A majority of the Board of Mayor and Aldermen (the Mayor and three (3) aldermen or any four (4) aldermen) shall constitute a quorum for the transaction of business, but a smaller number may convene from time to time subject to general law governing open meetings and may compel the attendance of absent members in such manner and under such penalties as the Board may provide.

SECTION 9. The Board of Mayor and Aldermen may determine the Board's own rules of procedure, provided, however, no rule promulgated by the Board shall be

contrary to the general law or inconsistent with the provisions of this charter. Robert's Rules of Order shall govern in all cases not covered by the rules adopted by the Board.

SECTION 10.

(a) At the first regular meeting after the election commission certifies the election results and new members are sworn in, the Board of Mayor and Aldermen shall meet and organize by selecting one (1) of the Aldermen as Vice-Mayor. Every two (2) years thereafter, the organizational meetings shall be held in conjunction with a regular scheduled meeting of the Board. Existing officials shall continue their present appointments until the next scheduled organizational meeting of the Board.

(b) The budget and the tax rate shall be set or adopted as provided by ordinance. The fiscal year for the City shall be as adopted by ordinance or as required by state law.

SECTION 11. The Board of Mayor and Aldermen shall cause minutes of the Board's proceedings to be kept by the City Recorder. Upon the request of any member, the ayes and nays upon any question before the Board shall be taken and a record of the vote entered upon the minutes. The minutes shall be open for inspection by the public at reasonable times and in accordance with the Public Records Law codified in title 10, chapter 7. All ordinances shall be approved by roll call vote. All other actions of the Board shall be approved by majority consent as provided by Roberts Rules of Order, or other rules established by the Board.

SECTION 12. All meetings of the Board of Mayor and Aldermen shall be open to the public, except meetings explicitly exempted by state law.

SECTION 13. At all meetings of the Board of Mayor and Aldermen, the Mayor and each Alderman shall be entitled to a vote on all matters properly presented to the Board of Mayor and Aldermen for action, and a majority vote of those present shall be necessary for affirmative or negative action by the Board.

SECTION 14. The Board of Mayor and Aldermen shall set the compensation of aldermen, which shall not be reduced during their term of office. The Board may provide

for a retirement program and other benefits for the Board's members, including the Mayor. Members of the Board shall be reimbursed for travel expenses in accordance with approved travel policies established by ordinance. No member of the Board shall be interested, directly or indirectly, in any contract made by the Board, under penalty of forfeiture of such member's office. Board members may be additionally compensated for serving on boards and commissions, as provided by law.

SECTION 15.

(a) A member of the Board of Mayor and Aldermen may be removed from office by the Board of Mayor and Aldermen under provisions of this charter for any malfeasance, misfeasance and nonfeasance in office, crime or other offense against the laws of the State, a violation of this charter, or for any of the causes or reasons for which public officials may be ousted under the general laws of the State.

(b) Members of the Board shall be subject to recall under the provisions of State law. A petition for recall shall be submitted by ten percent (10%) of the registered voters in the City.

(c) The staff works at the pleasure of the Board and such staff shall not be subject to subsections (a) or (b) of this section.

ARTICLE VI FINANCE AND ADMINISTRATION

SECTION 1.

(a) The Board may appoint a city administrator who shall be under the control and direction of the Board of Mayor and Aldermen. The City Administrator shall report and be responsible to the Board.

(b) The Board may, by ordinance, require the City Administrator to perform any or all of the following duties:

(1) Administer the business of the City;

(2) Make recommendations to the Board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the City;

(3) Keep the Board fully advised as to the conditions and needs of the City;

(4) Report to the Board the condition of all property, real and personal, owned by the City and recommend repairs or replacements as needed;

(5) Recommend to the Board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the City;

(6) Recommend specific personnel positions, as may be required for the needs and operations of the City, and propose personnel policies and procedures for approval of the Board;

(7) Administer the City's personnel policies and procedures and employ, discharge, and discipline personnel in accordance with Board approved policies and procedures and this charter; and

(8) Perform such other duties as may from time to time be designated or required by the Board.

(c) The City Administrator shall have a seat and a voice at all meetings of the Board, but shall not have a vote.

(d) The qualifications, compensation, and benefits for the position of city administrator shall be as determined by the Board. The Board may enter into an employment agreement with the City Administrator.

SECTION 2.

(a) The City Recorder shall be at least twenty-five (25) years of age, possess qualifications for the job satisfactory to the members of the Board of Mayor and Aldermen, and meet any eligibility requirements of State law.

(b) The City Recorder shall be appointed by the Board of Mayor and Aldermen.

(c) The City Recorder shall, before entering upon the duties of the office, take and subscribe to the following oath: "I do solemnly swear that I will support the Constitution of the State of Tennessee and the United States, the charter and its ordinances, and that I will faithfully, zealously and impartially discharge the duties of City Recorder without fear or favor and for the public welfare and that I will faithfully and honestly account for all funds coming into my hands, so help me God."

(d) The City Recorder shall give and execute a good and solvent bond in such amount as the Board of Mayor and Aldermen may establish by ordinance conditioned upon the City Recorder's faithful discharge of the duties of the City Recorder's office and upon the City Recorder properly accounting for all money and property coming into the City Recorder's hands. The bond shall be approved by the Board and filed with the Mayor. A copy of the same shall be spread upon the minutes of the Board. In the event the bond is made by an indemnity company, the City shall bear the expenses.

(e) The City Recorder shall, except as noted, have powers, duties and authority to:

(1) Keep full and complete records of the Board;

(2) Keep an "ordinance book" and a "resolutions book," in which all ordinances and resolutions adopted by the Board shall be recorded and indexed;

(3) Countersign all contracts entered into by the City, if such authority is granted by ordinance or resolution;

(4) Be present at all meetings of the Board, unless excused by the Board, and to keep a full and accurate account of and preserve in permanent book form all business transactions by the Board;

(5) May, if directed, serve as City Treasurer and in that capacity receive and account for all revenues of the City, provided that the City Recorder shall not pay out any part of the revenues of the City except on the authority of the Board. All warrants or checks shall show specifically the purpose for which such warrants or checks were issued;

(5) Keep the City Recorder's office open for business during such hours and on such days as the Board may fix by resolution;

(6) Have custody of the official seal of the City, the public records, the original ordinances, all contracts, deeds and certificates relative to the title of any property of the City, all official indemnity or security bonds except the City Recorder's own, which shall be filed with the Mayor, and all such other records, documents and papers that are not required to be deposited with another official;

(7) Certify by signature and the official seal of the City all copies of such original documents, records and papers in the City Recorder's office as may be required, and to charge such fees as are approved by the Board; and

(8) Perform any other duties consistent with the office of recorder that are required by this charter or by direction of the Board or the Mayor.

SECTION 3. The Board shall establish and approve all salaries, compensation and benefits provided to city employees and the Board shall operate under a budget system.

ARTICLE VII CITY JUDGE

SECTION 1. The City Judge shall be at least twenty-one (21) years of age and shall be licensed to practice law in the State.

SECTION 2. The City Judge shall be appointed by the Board of Mayor and Aldermen and serve at the Board's pleasure.

SECTION 3. If a vacancy occurs because the City Judge has died, resigned, been removed, or is for any other reason unable to serve as City Judge, such vacancy shall be filled through appointment by the Board. The Mayor may appoint a replacement for the City Judge on a temporary basis until the Board has met and made such appointment.

SECTION 4. The salary of the City Judge shall be fixed by the Board.

SECTION 5. The City Judge has jurisdiction to hear and determine all violations of the laws and ordinances passed by the Board and to impose fines, costs and forfeitures as provided by such laws and ordinances passed by the Board. The office of City Judge may by ordinance be vested with concurrent jurisdiction with the General Sessions Court of Giles County in cases of the violation of the criminal laws of the State at the discretion of the Board. In such event, the City Judge shall be elected by popular vote and meet any other requirements of state law.

SECTION 6. The City Court is hereby established. The City Judge shall preside over the City Court and have power and authority to impose fines and forfeitures, to preserve and enforce order in the City Court, and to enforce collections of all fines and forfeitures imposed by the City Judge in such manner as may be provided by this charter and general law. In order that the City Judge may effectually exercise the powers herein conferred, the City Judge is expressly empowered to issue any and all warrants or other process authorized by law including, but not limited to, warrants for arrest, search warrants, attachments for contempt, subpoenas for witnesses and attachments to compel the attendance of witnesses, in the manner authorized by this charter and general law.

SECTION 7. All process issuing from City Court shall run in the name of the State for the use of the City and shall be so captioned. All warrants shall be signed and issued by the City Judge. The general law of this State relative to the issuance of warrants and process shall apply to the City Court.

SECTION 8. Fines and court costs shall be those established by the Board of Mayor and Aldermen. No member of the police force shall receive any compensation for

making arrest and serving process, nor shall the City Judge receive any fee or compensation except that enumerated in this article. Fees shall be charged as a part of court costs and shall inure to the benefit of the City.

SECTION 9. The City Judge shall keep, or cause to be kept, a court docket and shall keep, in addition, a complete and accurate record of all fines, costs and forfeitures imposed by the City Judge. The City Judge shall render a monthly report of all fines, costs and forfeitures collected and of all assessed and uncollected to the Board.

SECTION 10. Any person dissatisfied with the judgment of the City Judge in any case or cases heard and determined, may within ten (10) days, excluding Sundays, after such judgment, appeal to the next term of the Circuit Court of Giles County.

ARTICLE VIII CITY ATTORNEY

SECTION 1. The City Attorney shall be an attorney-at-law, admitted to the practice of law within the State.

SECTION 2. The City Attorney shall be appointed by the Board of Mayor and Aldermen and shall serve at the pleasure of the Board.

SECTION 3. The compensation paid the City Attorney shall be fixed by the Board.

SECTION 4.

It shall be the duty of the City Attorney to:

(1) Represent the City in all legal matters and functions and proceedings of any kind, including acting as prosecuting attorney in the City Court;

(2) Direct, or monitor, the management of all litigation in which the City is or may be a party;

(3) Attend all meetings of the Board, unless excused by the Board;

(4) Advise the Board and the several departments of the City as to all legal issues and questions affecting the City's interests;

(5) Approve the form of all contracts, deeds, bonds, ordinances, resolutions and other documents, to be signed in the name of the City;
and

(6) Perform such other duties consistent with the office of City Attorney and as the Board may direct.

ARTICLE IX POLICE DEPARTMENT

SECTION 1. There is hereby established a police department consisting of a chief of police and such number of policemen as is necessary to promote law and order.

SECTION 2. The Chief of Police shall be at least thirty (30) years of age. The Chief of Police shall be appointed by the Board, and shall hold office as long as the Chief's conduct and performance are satisfactory to the Board. The Chief shall also meet all qualifications established by the State.

SECTION 3. Whenever a vacancy shall occur in the office of Chief of Police, the Board shall appoint a replacement. The Mayor shall appoint a temporary replacement until the Board makes such appointment.

SECTION 4. The police department, and all members thereof, shall be charged to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect the rights of persons and property, guard the public health, preserve order at elections and enforce ordinances of the City relating to the suppression and punishment of crime and disorder or to the public health. It shall be the further duty of the police department to execute and return all processes, notices and orders of the City Court, the City Judge, the Mayor and City Recorder and to execute all other processes, notices and orders as may be provided in this charter or by ordinance and in accordance with general law. It shall be the further duty of the police department to cooperate fully with

the City Attorney in all matters in connection with the proper prosecution or defense of all litigation in which the City may be involved.

SECTION 5. No members of the police department shall receive any fees for making arrests or serving process.

SECTION 6. It shall be the duty of the City Attorney, or an attorney provided by the City's insurance carrier, to defend any suit instituted against a police officer based on an official act performed by such officer in the course of the officer's duty. Such services shall be rendered without charge to such officer.

ARTICLE X FIRE DEPARTMENT

SECTION 1. There is hereby created a city fire department.

SECTION 2. The Chief of the Fire Department shall be responsible for all fire prevention and fire suppression activities of the City.

ARTICLE XI ELECTIONS

SECTION 1.

(a) Upon the effective date of this act, city election dates shall be on the first Tuesday following the first Monday in even numbered years to correspond with the State's general election date.

(b) The Mayor and Aldermen whose present terms of office expire on January 14, 2010 shall have their terms of office extended until the first Tuesday following the first Monday in November 2010 for the purpose of moving the election date to correspond with the State's general election date. Thereafter, these officials shall be elected to four-year terms of office. The Aldermen whose present terms of office expire on January 10, 2008 shall have their terms of office extended until the first Tuesday following the first Monday in November 2008 for the purpose of moving the election date to correspond with the State's general

election date. Thereafter, these officials shall be elected to four-year terms of office.

(c) The Mayor and Aldermen elected shall take office at the first regular meeting following the election certification by the county election commission.

SECTION 2. The Board of Mayor and Aldermen shall provide for special elections.

SECTION 3. Except as otherwise provided by this charter, the general election laws of the State shall be applicable to and control all city elections that are held in accordance with the provisions of this charter.

SECTION 4. Any resident of the City who is qualified to vote for members of the Tennessee General Assembly, as prescribed by the general law, shall be qualified to vote in any election held in accordance with the provisions of this charter; provided, that any resident citizen and qualified voter of Giles County, who has been a bona fide owner of real property located within the corporate limits of the City, and whose name is shown in the deed, with such property shown on the tax rolls of the City for more than thirty (30) days prior to the date of any election, may register and vote in the City in any election held under the provisions of this charter, except in the elections for the issuance of bonds. Only two (2) non-resident property owners of a tract of land may vote pursuant to this section and the tract shall be ten thousand (10,000) square feet or have an assessed property value of five thousand dollars (\$5,000).

ARTICLE XII ORDINANCES

SECTION 1. All City ordinances shall begin with an enacting clause as follows: "Be it enacted by the Board of Mayor and Aldermen of Pulaski", and shall, at the end of the ordinance, contain the provision: "This ordinance shall take effect from and after its passage, the public welfare requiring it."

SECTION 2.

(a) The captions of all ordinances shall be read twice in open session of the Board on two (2) different days before being enacted. The budget ordinance shall be read and voted on at two (2) meetings on separate days.

(b) All approved ordinances shall include the dates of each reading.

SECTION 3. All amendments to existing ordinances shall be in the form of new ordinances and shall be adopted in the same manner.

SECTION 4.

(a) An ordinance shall be required to:

(1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes;

(4) Grant or renew a franchise;

(5) Authorize the borrowing of money, except the authorization for the issuance of bonds may be by resolution;

(6) Convey or lease or authorize the conveyance or lease of any lands of the City;

(7) Amend or repeal any ordinance previously adopted;

(8) Regulate the rate charged for its utility services, except that natural gas rates may be adjusted by the purchasing officer to adjust for price changes in the market with a report explaining such rate change to the Board at its next regular scheduled meeting; and

(9) Adopt the annual budget.

(b) All other acts of the Board may be by a motion of the Board, resolution, or ordinance as permitted by law or board rules.

SECTION 5. The board shall provide for codification of the city code on a regular basis, not to exceed ten-year intervals.

ARTICLE XIII TAXATION AND REVENUE

SECTION 1. The City of Pulaski is hereby expressly authorized and empowered to assess, levy and collect taxes upon all property and privileges within the City limits, which are or shall hereafter be subject to taxation by the laws of the State and to assess, levy and collect taxes on any and all subjects or objects of taxation either for general or special purposes not expressly prohibited by the general laws of the State.

SECTION 2.

(a) As soon as practicable each year after the equalization boards provided for by the general law have finished the equalization of taxes and the assessment books for the state and county are complete, the City Recorder shall prepare or cause to be prepared from the assessment books of the county a tax book similar to that required by the general law to be made out for the county trustee, embracing all such properties and persons as are liable for taxes within the City.

(b) Such tax book, when certified to be true, correct and complete by the City Recorder, shall be the assessment for taxes in the City for all city purposes; provided, however, that there may be an assessment by the City Recorder at any time of any property subject to taxation found to have been omitted. No assessment shall be invalid because:

- (1) The size and dimensions of any tract, lot, or parcel of land have not been properly stated;
- (2) The amount of the valuation or tax is not correctly given;
- (3) The property has been assessed in the name of a person who does not own the property;
- (4) The property is assessed to unknown owners; or
- (5) On account of any technical object or informality.

SECTION 3. The City Recorder shall be the ex officio tax assessor for the City, with the power and authority to assess properties within the corporate limits of the City

for purposes of taxation. The City Recorder shall also be custodian of the tax books and tax collector for the City.

SECTION 4. It shall be the duty of the City Recorder each year as soon as the assessment role for the City is complete, to submit to the Board a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits and the general government's budget for the next fiscal year. The budget shall be presented to the Board which shall proceed, by ordinance, to make a proper levy to meet the current expenses of the City for the current fiscal year. It shall be the duty of the City Recorder immediately after the levy of taxes by the Board to cause the levy to be extended upon the tax book.

SECTION 5. All taxes due the City, except privilege taxes, shall be due and payable on the first Monday in November of the year for which the taxes are assessed, at the office of the City Recorder. Penalties and interest as authorized by Tennessee Code Annotated, Section 67-5-2010, may be charged by ordinance on all taxes remaining unpaid on and after the first day of July following the year for which the taxes are assessed. Penalties and interest shall be imposed and collected by the City Recorder and paid into the City Treasury. On and after the first day of July, the tax books in the hands of the City Recorder shall have the force and effect of a judgment of a court of record. The City Recorder shall have the power to issue distress warrants in the name of the State for the use of the City to enforce the collection of taxes against the person owning the property assessed January 10 of the year for which the tax is assessed by levy upon the personalty of such taxpayer. Such warrants shall be executed by the Chief of Police or any policeman of the City, by levy upon the sale of the goods and chattels of such taxpayer.

SECTION 6. All city taxes on real estate in the City, and all interest, penalties, and costs accruing on such taxes are hereby declared to be a lien on such realty from the January 1 of the year for which such taxes are assessed. Such lien shall be superior to all other liens except liens for taxes held by the State and of the County of Giles with which the City's lien shall be a coordinate lien.

SECTION 7. For the purpose of collecting delinquent taxes and enforcing the liens securing such delinquent taxes, the Board shall direct the City Attorney to institute proceedings. The City Recorder shall certify a list of all real estate upon which city taxes remain due and unpaid, together with any interest and penalties, to the City Attorney. The City Attorney shall then prepare and file proper bills to enforce the liens of such taxes due the City, under the provisions of the general law of this state. The City Recorder may send delinquent tax collections to the county for collection as provided for by State law.

ARTICLE XIV UTILITIES

SECTION 1. The Board may establish utility departments and establish reasonable rules, regulations and policies governing such departments.

ARTICLE XV MISCELLANEOUS

SECTION 1. For the purpose of providing the means for the liquidation and retirement of the bonded indebtedness of the City of Pulaski, a sinking fund is hereby established. The revenue derived from taxation as is specifically designated for the sinking fund in the tax levy, and all such other sums as the Board shall from time to time direct, shall be deposited into the sinking fund. The sinking fund shall not be used in whole or in part for the payment of the current expenses of the City or for any purpose except as provided in this charter.

SECTION 2. The Board is authorized to pass appropriate ordinances providing for sidewalks and for curbing. The Board may require that an owner of property fronting upon or adjoining any street construct or bear the expense of constructing such sidewalk or curbing within the time prescribed by the Board. If an owner fails or refuses to comply with the provisions of an ordinance enacted pursuant to this section, then the Board may cause the sidewalks or curbing to be constructed at the expense of the owner and the

expense of such construction may be recovered by suit in the name of and for the use of the City of Pulaski before the City Court or any court of law or equity in the State having jurisdiction. The cost of such construction shall constitute a lien on the property involved.

SECTION 3. All contracts made and entered into by the City shall be in writing and signed by the Mayor and countersigned by the City Recorder under the seal of the City under authority granted by the Board; provided that if the Mayor is absent, then the Vice-Mayor may sign contracts under authority granted through ordinance or resolution by the Board.

SECTION 4. All funds of the City and its various departments shall be deposited in commercial banks or federal savings and loan associations located in the corporate limits of the City in accordance with approved investment policies and state regulations.

SECTION 5. All legal process against the City shall be served upon the City Attorney. The City Attorney shall give written notice of the service to the Mayor and City Recorder, stating the style of the cause, the nature of the action and from what court issued. In the absence of the City Attorney, legal process may be served upon the City Recorder, who shall notify the Mayor.

SECTION 6. The public property of the City of Pulaski of every character and description shall be exempt from seizure by attachment, execution or other legal process, and no funds in the hands of the City Recorder or any department or official of the City shall be subject to garnishment or other legal process.

SECTION 7. This act is hereby declared to be a private act and may be received and read in evidence in all courts of law and equity which shall take judicial notice thereof, and all ordinances, resolutions, and proceedings of the City may be proved by the certificate of the City Recorder under the seal of the City, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

SECTION 8. Whenever words including one gender or sex appear in this charter, the same shall be construed to include either genders or sexes, unless the context requires a different interpretation.

SECTION 2. All officers and employees and all persons who occupy any official position whatsoever, under the City of Pulaski, the charter of which is repealed and abolished by this act, are hereby appointed to continue their offices or employment for the remainder of their term of office, or period of employment, and shall discharge their duties, except insofar as they may be inconsistent with the provisions of this act, for the corresponding offices, positions, and employment under this act. The salary rates established by this act may be made effective by the Board at any time after the effective date of this act; provided, that the compensation of the Mayor and Aldermen shall not be changed until after such officials' current terms expire.

SECTION 3. Nothing in this act shall invalidate any outstanding contract, obligation or bond made or executed by the City of Pulaski, the charter of which is repealed by this act, but said contracts, obligations or bonds shall continue to be effective and binding upon the City of Pulaski here established.

SECTION 4. All ordinances of the City which are consistent with this act and in force when it takes effect shall remain in effect until amended or repealed.

SECTION 5. Upon the taking effect of this act, as herein provided, the existing Pulaski Charter of 1949, the same being Chapter 711 of the Acts of 1949, and all acts amendatory thereto; be, and the same are, hereby repealed and abolished; except that the section in which the stated boundaries of the City are established, as amended, shall continue to be in effect.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. All laws or parts of laws in conflict with this act be and the same are hereby repealed and this act shall take effect from and after its passage, the public welfare requiring it.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Pulaski. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Pulaski and certified to the secretary of state.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 8 of this act.